



IFW

Former Docket: 4860P2667D02 - New Docket: **4860P2667X1**
Confirmation No.: 4171

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael D. Hillman, et al.

Serial No.: 10/741,671

Filed: December 19, 2003

For: COMPUTER CONTROLLED
DISPLAY DEVICE

Mail Stop PGPUB
Commissioner of Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Examiner: Not yet assigned

Art Unit: 2611

FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop PGPUB, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 1, 2004

By: Dianne Neathery
Dianne Neathery

REQUEST TO RESCIND THE NONPUBLICATION REQUEST

Dear Sir:

Pursuant to 35 U.S.C. §122(b)(2)(B)(ii) and other patent laws and regulations, Applicants respectfully request that the Nonpublication Request under 35 U.S.C. §122(b)(2)(B)(i) that was filed December 19, 2003 be rescinded. That Nonpublication Request was inadvertently made subsequent to foreign filing.

The Nonpublication Request under 35 U.S.C. §122(b)(2)(B)(i) filed December 19, 2003 was made in error unintentionally and without any deceptive intent. The undersigned attorney for applicants has only recently realized that the Nonpublication Request filed December 19, 2003 was in error given that parent application number 10/035,417 filed November 8, 2001 has been the subject of a counterpart PCT application filed October 17, 2002. This Request to Rescind the Nonpublication Request is being made promptly and any delay has been unintentional.

Even though this request is being filed more than 45 days since the filing date of the counterpart PCT application, Applicants respectfully submit that this request is proper and that this patent application is still pending and is not abandoned. Applicants note that on the website of the U.S. Patent and Trademark Office at <http://www.uspto.gov/web/offices/dcom/olia/aipa/infoexch.htm>, the following is stated in pertinent part in Section CQ of Questions and Answers with respect to the American Inventor's Protection Act of 1999 at question CQ6:

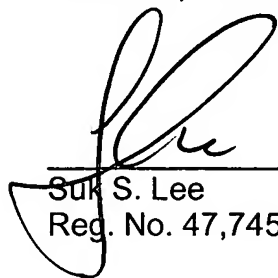
The statute only provides for that an application is regarded as abandoned when the applicant fails to notify the Office within 45 days of a subsequently filed application that is directed to the same subject as the invention of the US application in another country, or under a multilateral international agreement, that requires eighteen-month publication. 35 U.S.C. §122(b)(2)(B)(ii) does not apply to the situation when the applicant made an improper certification subsequent to the foreign filing. (Numbered paragraph 2) (emphasis added).

If there is any fee required in connection with this Request, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: June 1, 2004



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